

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

MOVE TEXAS CIVIC FUND;)
JOLT INITIATIVE;)
LEAGUE OF WOMEN VOTERS)
OF TEXAS; and NIVIEN SALEH,)
)
Plaintiffs,)
)
v.) Case No. 3:19-cv-00041
)
DAVID WHITLEY, Texas Secretary of)
State, in his official capacity; KEITH)
INGRAM, Texas Director of Elections,)
in his official capacity; CHERYL)
JOHNSON, Voter Registrar for Galveston)
County, in her official capacity; PAMELA)
OHLENDORF, Elections Administrator for)
Caldwell County, in her official capacity;)
KIRSTEN SPIES, Tax Assessor and)
Voter Registrar for Blanco County, in her)
official capacity; TERRI HEFNER,)
Elections Administrator for Fayette County,)
in her official capacity; BETH)
ROTHERMEL, County Clerk and Voter)
Registrar for Washington County, in her)
official capacity; JANET TORRES,)
District and County Clerk for Hansford)
County, in her official capacity; Elections)
Administrator for Harrison County in his)
or her official capacity; and)
KAREN NELSON, Elections Administrator)
for Smith County, in her official capacity.)
)
Defendants.)

DECLARATION OF DR. DANIEL A. SMITH

Background and Qualifications

1. I am Dr. Daniel A. Smith, Professor of Political Science at the University of Florida (UF). I received my Ph.D. in Political Science from the University of Wisconsin-Madison in 1994. I am Chair of the Department of Political Science at UF, and I served for four years as the Director of UF's Political Campaigning Program, which offers a Master of Arts degree in political science with a special emphasis on political campaigning and practical politics. I am also President of ElectionSmith, Inc., a political consulting firm based in Gainesville, FL, specializing in empirical research on electoral processes in the American states.

2. For more than two decades, I have conducted research on electoral politics in the American states, focusing on the effect of political institutions on political behavior. I have written extensively on electoral processes in the American states, publishing more than 80 articles and book chapters, including many that have appeared in the discipline's top peer-reviewed journals, including the *American Political Science Review*. I have also published two academic books on politics in the American states, and I am the coauthor of a leading college textbook, *State and Local Politics: Institutions and Reform*, 4th ed. I have taught

an array of graduate seminars focusing on American political institutions and political behavior in the American states, and I regularly teach a large undergraduate survey course, State and Local Politics. I am a former Senior Fulbright Scholar, and I have testified before the U.S. Senate and state legislatures on voting and election issues. I have received numerous grants and awards for my work on campaigns and elections, including from the U.S. Department of State and the American Political Science Association. I am past-President of the State Politics and Policy Section of the American Political Science Association.

3. I have served as an expert in election-related litigation in several states, hired by both plaintiffs and defendants (including serving as an expert for the State of Florida and the State of California). Most recently, I provided written reports and testified at trial for the defendant-intervenors in *American Civil Rights Union v. Snipes* (Case No. 16-cv-61474, S.D. Fla.), and provided written reports for plaintiffs in *Rivera v. Detzner* (Case No. 1:18-cv-00152, N.D. Fla.), for plaintiffs in *Ohio A. Philip Randolph Institute, et al. v. Secretary of State, Jon Husted* (Case No. 2:16-cv-00303, S.D. Ohio), for plaintiff-intervenors in *Florida Democratic Party v. Scott* (Case No. 4:16-cv-00626, N.D. Fla.), for plaintiffs in *Florida Democratic Party v. Detzner* (Case No. 4:16-cv-00607, N.D. Fla.), and for plaintiffs in *League of Women Voters of Florida v. Detzner* (Case 4:18-cv-00251, N.D. Fla.).

4. In 2010, I was the lead author of the “Direct Democracy Scholars” *amicus brief* in *Doe v. Reed*, which was successfully argued by the Attorney General of the state of Washington before the U.S. Supreme Court, and my scholarship has been cited in an opinion by the U.S. Supreme Court. Finally, I have been quoted by hundreds of journalists over the past two decades on state politics, voting, and electoral processes in Florida, including in *The Economist*, *The New York Times*, *The Wall Street Journal*, *USA Today*, *The Washington Post*, *Politico*, *National Public Radio*, and *Fox News*, among many others.

5. My curriculum vitae (including a list of cases in which I have served as an expert witness) is provided in Appendix A. I am being paid \$400 an hour for work in this case, plus any related expenses.

Summary of Opinions Offered

6. I was instructed by counsel for the Plaintiffs to produce a breakdown, by race and ethnicity of the naturalized citizen population in the State of Texas.

7. In formulating my opinions in this report, I draw on the United States Census Bureau’s *2013-2017 American Community Survey 5-Year Estimates* (ACS). According to the *2013-2017 ACS 5-Year Estimates*, the Census Bureau estimates that there are 1,667,217 individuals who are naturalized citizens residing in Texas. Of these naturalized citizens residing in Texas, there are an estimated 115,192 individuals self-identified as Black or African-American (alone), 861,388

self-identified as Hispanic or Latino (of any race), and 480,108 self-identified as Asian (alone).

8. Approximately 87.4% of naturalized citizens in Texas self-identify as Black or African-American, Hispanic or Latino, or Asian.

Racial and Ethnic Identify of Naturalized Citizens in Texas

9. In formulating my opinions on the estimated number of naturalized citizens residing in Texas, I draw on public data made available by the U.S. Census Bureau, specifically the *2013-2017 American Community Survey 5-Year Estimates*, Table B05001 (“NATIVITY AND CITIZENSHIP STATUS IN THE UNITED STATES”).¹ The Census Bureau’s American Community Survey (ACS) produces population, demographic, and housing unit estimates. The 2013-2017 ACS 5-Year Estimates provide estimates of the number of individuals who are native-born U.S. citizens, naturalized U.S. citizens, or non-citizens residing in Texas. In sum, as mentioned above, according to the estimates of the 2013-2017 ACS 5-Year Estimates, Texas has a naturalized citizen population of 1,667,217.

¹ Table B05001, “NATIVITY AND CITIZENSHIP STATUS IN THE UNITED STATES,” *2013-2017 American Community Survey 5-Year Estimates*, State of Texas, downloaded on February 3, 2019. The Census Bureau’s 5-year ACS estimates are based on a sample and are subject to a degree of uncertainty. The estimate has a margin of error of +/- 10,970. Available: https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_17_5YRB05001&prodType=table.

10. For my opinions on the number of naturalized citizens of certain racial or ethnic identities residing in Texas, I also draw three other tables from the *2013-2017 American Community Survey 5-Year Estimates*, specifically, Table B05003B (“SEX BY AGE BY NATIVITY AND CITIZENSHIP STATUS (BLACK OR AFRICAN AMERICAN ALONE)²”), Table B05003I (“SEX BY AGE BY NATIVITY AND CITIZENSHIP STATUS (HISPANIC OR LATINO)³”), and Table B05003D (“SEX BY AGE BY NATIVITY AND CITIZENSHIP STATUS (ASIAN ALONE)⁴”). These tables provide estimates by sex, age, and citizenship status of the number of individuals who reside in Texas and who self-identify as, respectively, Black or African American, Hispanic or Latino, and Asian. Table 1 summarizes the number of naturalized citizens who identify with each of these groups.

² Table B05003B, “SEX BY AGE BY NATIVITY AND CITIZENSHIP STATUS (BLACK OR AFRICAN AMERICAN ALONE),” *2013-2017 American Community Survey 5-Year Estimates*, State of Texas, downloaded on February 3, 2019. Available:

https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_17_5YR_B05003B&prodType=table.

³ Table B05003I, “SEX BY AGE BY NATIVITY AND CITIZENSHIP STATUS (HISPANIC OR LATINO),” *2013-2017 American Community Survey 5-Year Estimates*, State of Texas, downloaded on February 3, 2019. Available:

https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_17_5YR_B05003I&prodType=table.

⁴ Table B05003D, “SEX BY AGE BY NATIVITY AND CITIZENSHIP STATUS (ASIAN ALONE),” *2013-2017 American Community Survey 5-Year Estimates*, State of Texas, downloaded on February 3, 2019, downloaded on February 3, 2019. Available:

https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_17_5YR_B05003D&prodType=table.

11. Table 1, drawing on *2013-2017 American Community Survey 5-Year Estimates*, shows the estimated number of naturalized citizens residing in Texas who self-identify as Black or African American, Hispanic or Latino, or Asian. Again, the percentage of these 1,456,688 naturalized citizens residing in Texas, out of the estimated 1,667,217 U.S. citizens by naturalization in Texas, is 87.4%.

Table 1: Naturalized Citizens in Texas, by Racial or Ethnic Identity

Racial or Ethnic Identity	<i>2013-2017 American Community Survey 5-Year Estimates</i>
Black or African-American (Alone)	115,192
Hispanic or Latino	861,388
Asian (Alone)	480,108

12. Table 2, again drawing on *2013-2017 American Community Survey 5-Year Estimates*, shows the estimated total number of naturalized citizens in Galveston, Texas; the number of naturalized citizens in Galveston who self-identify as Black or African American, Hispanic or Latino, or Asian; and the their percentage of all naturalized citizens.

Table 2: Naturalized Citizens in Galveston, Texas, by Racial or Ethnic Identity

Racial or Ethnic Identity	<i>2013-2017 American Community Survey 5-Year Estimates</i>
Total Naturalized Citizens	13,677
Black or African-American (Alone)	798
Hispanic or Latino	4,732
Asian (Alone)	5,357
Percent of Naturalized Citizens Who Identify as Black or African-American, Hispanic or Latino, or Asian	79.6%

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 4th day of February, 2019, at Alachua
County, Florida.

D. A. Smith

Daniel A. Smith, Ph.D.